



Entered on Docket  
August 13, 2010

*Bruce A. Markell*

Hon. Bruce A. Markell  
United States Bankruptcy Judge

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Attorneys for Secured Creditor WELLS FARGO BANK, NATIONAL ASSOCIATION,  
SUCCESSOR BY MERGER TO WACHOVIA MORTGAGE, FSB, FKA  
WORLD SAVINGS BANK, FSB

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

DIANE WILEY,

Debtor(s).

Bankruptcy Case No. BK-S-10-21034-bam  
Chapter 7

WELLS FARGO BANK, NATIONAL  
ASSOCIATION, SUCCESSOR BY  
MERGER TO WACHOVIA MORTGAGE,  
FSB, FKA WORLD SAVINGS BANK,  
FSB'S ORDER VACATING AUTOMATIC  
STAY

Date: August 3, 2010

Time: 1:30 p.m.

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1 A hearing on Secured Creditor Wells Fargo Bank, National Association,  
2 successor by merger to Wachovia Mortgage, FSB, fka World Savings Bank, FSB's Motion for  
3 Relief From the Automatic Stay came on regularly for hearing in the United States Bankruptcy  
4 Court before the Honorable Bruce A. Markell, Ace Van Patten appearing on behalf of Secured  
5 Creditor.

6 The court having duly considered the papers and pleadings on file herein and  
7 being fully advised thereon and finding cause therefor:

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic  
9 Stay of Title 11 U.S.C. Section 362 is hereby terminated as it applies to the enforcement by  
10 Secured Creditor, of all its rights in the subject property, generally described as 1881 W  
11 Alexander Rd Unit 2103, North Las Vegas, NV 89032-9049, and legally described as follows:

12 SEE LEGAL DESCRIPTION ATTACHED  
13 HERETO AS EXHIBIT A AND MADE A PART  
14 HEREOF .

15 APPROVED/DISAPPROVED

16 WILLIAM A. LEONARD  
17 TRUSTEE

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14062134-KP

**EXHIBIT "A"**  
**Legal Description**

**PARCEL I (COMMON ELEMENT):**

AN UNDIVIDED 1/8<sup>TH</sup> INTEREST AS TENANT IN COMMON IN THE COMMON ELEMENT PHASE 1 OF VILLAS AT HIDDEN CANYON – UNIT 2 (A COMMON INTEREST CONDOMINIUM DEVELOPMENT), AS SHOWN BY MAP THEREOF ON FILE RECORDED DECEMBER 31, 1998 IN BOOK 87 OF PLATS, PAGE 70, AND AMENDED BY CERTIFICATES OF AMENDMENT RECORDED APRIL 20, 1999 IN BOOK 990420 AS DOCUMENT NO. 00644 AND AUGUST 16, 1999 IN BOOK 990816, AS DOCUMENT NO 00873, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

**EXCEPTING THEREFROM THE FOLLOWING:**

ALL LIVING UNITS IN PHASE 1 OF VILLAS AT HIDDEN CANYON – UNIT 2 (A COMMON INTEREST CONDOMINIUM DEVELOPMENT), RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, ON DECEMBER 31, 1998 IN BOOK 87 OF PLATS, PAGE 70.

**PARCEL II (CONDOMINIUM UNIT):**

CONDOMINIUM UNIT 2103, IN BUILDING Z, AS SHOWN UPON THE CONDOMINIUM PLAT REFERRED TO ABOVE.

**PARCEL III (LIMITED COMMON ELEMENT):**

THE EXCLUSIVE RIGHT TO USE, POSSESSION AND OCCUPANCY OF THOSE PORTIONS OF THE COMMON ELEMENT BEING DESCRIBED UPON THE PLAT AND IN THE DECLARATION AS PORCHES, BALCONIES, PATIOS, AND/OR EXTERIOR STAIRWAYS, HVAC AND PARKING STALL (LIMITED COMMON ELEMENT), WHICH ARE APPURTENANT TO AND FOR THE EXCLUSIVE USE OF PARCEL II.

**PARCEL IV (PHASED AREAS).**

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, OVER AND UNDER THE COMMON ELEMENTS AND PRIVATE DRIVES AND P U.E. OF PHASES 2 THROUGH 12, WHICH EASEMENT IS APPURTENANT TO PARCELS I, II AND III DESCRIBED ABOVE. THIS EASEMENT SHALL BE EFFECTIVE ONLY UNTIL RECORDATION PRIOR TO EXPIRATION OF THE RIGHT TO ANNEX BY A DECLARATION OF ANNEXATION DECLARING PHASES 2 THROUGH 12 TO BE SUBJECT TO THE DECLARATION TO WHICH REFERENCE IS HERETOFORE MADE OR A SEPARATE DECLARATION WHICH REQUIRES THE OWNERS OF A CONDOMINIUM IN PHASES 2 THROUGH 12 TO BE MEMBERS OF THE ASSOCIATION.

PARCEL V:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER AND UNDER THE COMMON ELEMENTS AND PRIVATE DRIVES AND P U.E. OF THE AMENDED PLAT OF VILLAS AT HIDDEN CANYON – UNIT 1 (A COMMON INTEREST CONDOMINIUM DEVELOPMENT) AS SHOWN BY MAP THEREOF ON FILE IN BOOK 81 OF PLATS, PAGE 70, AND IN BOOK 85 OF PLATS, PAGE 92, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, WHICH EASEMENT IS APPURTENANT TO PARCELS I, II AND III DESCRIBED ABOVE.

PARCEL VI (COMMON RECREATIONAL AREA):

A NON-EXCLUSIVE EASEMENT ON AND OVER THE COMMON RECREATIONAL AREA (COMMON ELEMENT “A” (CE “a”) AS SHOWN ON THE AMENDED PLAT OF VILLAS HIDDEN CANYON – UNIT 1 (A COMMON INTEREST CONDOMINIUM development) AS SHOWN BY MAP THEREOF ON FILE IN BOOK 81 OF PLATS, PAGE 70, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA) FOR ACCESS, USE, OCCUPANCY, ENJOYMENT, INGRESS, EGRESS, AND USE OF THE AMENITIES LOCATED THEREON, SUBJECT TO THE TERMS AND PROVISIONS OF THE DECLARATION TO WHICH REFERENCE IS HERETOFORE MADE. THIS EASEMENT IS APPURTENANT TO PARCELS I, II AND III HEREIN DESCRIBED. THE COMMON RECREATIONAL AREA IS FOR THE SUE OF OWNERS AND GUESTS OF THE UNITS AND ARE SUBJECT TO THE DECLARATION RULES AND REGULATIONS OF THE ASSOCIATION AND ARE NOT FOR THE USE OF THE GENERAL PUBLIC.

APN: 139-09-119-047

ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ Approved.

☐ Disapproved.

☒ Failed to respond. - Debtor's Attorney/Trustee

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Submitted by:

/s/ Ace Van Patten  
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